

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU
PART 5 RULES OPERATIONAL GUIDANCE (POG #2)**

Guidance No. 2

November 10, 2004

Title: Part 5 Rules Operational Guidance (POG #2) for Oil

I. Purpose

- A. The purpose of Part 5 Rules Operational Guidance #2 is to provide guidance for oil storage and use areas at oil storage facilities in accordance with the Part 5 rules, Spillage of Oil and Polluting Materials, R 324.2001-324.2009, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. This guidance only applies to facilities with regulated amounts of oil storage capacity which do not have regulated amounts of any other polluting materials on site that are subject to the Part 5 rules, and do not meet any of other conditional exemptions identified in R 324.2003 besides R 324.2003(1)(b).

II. Background

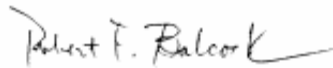
- A. The Water Bureau of the Michigan Department of Environmental Quality is responsible for implementing the Part 5 rules, which were substantially revised and placed into effect on August 31, 2001, and additional release reporting requirements added by Section 3111b of Part 31, effective June 15, 2004.
- B. R 324.2003(1)(b) states, "An on-land or oil storage facility which does not manage any other polluting materials in excess of an applicable threshold management quantity and which is otherwise subject to the federal oil pollution prevention requirements of 40 C.F.R. part 110 or 112, (1997), shall comply with these rules by fully complying with the federal requirements and shall also report all releases of oil as required in R 324.2007. The owner or operator of such a facility shall submit a copy of the facility's spill prevention, control, and countermeasure plan in accordance with R 324.2006(2). An oil storage facility that manages both oil and other polluting materials in excess of an applicable threshold management quantity shall comply with these rules for the other polluting materials. Failure to comply with the federal oil pollution prevention requirements is a violation of these rules and the federal requirements and is subject to the provisions of part 31 of the act."
- C. R 324.2006(2) states, in part, "Within 30 days after receiving a request for a copy of the plan from the department, local emergency planning committee or the local health department, the facility owner or operator shall submit a copy of the pollution incident prevention plan to the requesting agency."

III. Guidance

A. For the purposes of clarifying this rule, the Water Bureau considers the following::

1. A facility in compliance with the federal Spill Prevention Control and Countermeasure (SPCC) requirements pursuant to Title 40 of the Code of Federal Regulations (CFR), Part 110, Discharge of Oil, or Part 112, Oil Pollution Prevention, is in compliance with the Part 5 rules with the following conditions:
 - a. The following Part 5 rule requirements are addressed by the SPCC requirements:
 - Surveillance requirements to detect releases from reaching waters of state [Rule 324.2004].
 - Use and indoor storage areas are designed, constructed, maintained, and operated to prevent releases from reaching sewers, drains, or waters of the state [Rule 324.2005(3)].
 - b. In accordance with R 324.2003(1)(b) and R 324.2006(2), a facility subject to 40 CFR, Parts 110 or 112, shall, upon request by the department, local emergency planning committee, or local health department, submit within 30 days a copy of the facility's spill prevention, control, and countermeasure plan to the requesting agency.
 - c. Releases of polluting material need to be reported as required in R 324.2007, R 324.2002(g), and Section 3111b of Part 31.
2. The facility does not need to develop a Pollution Incident Prevention Plan for oils if they have an SPCC plan and do not have other regulated amounts of polluting materials.
3. This POG is subject to change based upon the United States Environmental Protection Agency's final interpretation, or changes to the SPCC regulations, defining what facilities would be subject to the federal requirements.

Approved



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